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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/298,538	04/22/1999	FRANCIS JAMES CANOVA, JR.	15886-210	2146

29989 7590 06/04/2004

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EXAMINER
NELSON, ALECIA DIANE

ART UNIT	PAPER NUMBER
2675	29

DATE MAILED: 06/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/298,538	CANOVA, ET AL.	
	Examiner	Art Unit	
	Alecia D. Nelson	2675	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 April 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,6,16,26,29,30 and 32-38* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,6,16,26,29,30 and 32-38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. ***Claims 1, 16, 29, and 30*** are rejected under 35 U.S. C. 103(a) as being unpatentable over Samuels (U.S. Patent No. 5,270,821) in view of Ike (U.S. Patent No. 5,53,765), Reber et al. (U.S. Patent No. 6,002,946), and Kawasugi (U.S. Patent No. 5,703,616).

With reference to the claims, Samuels teaches a method and apparatus for adjusting levels of viewing parameters for an image screen (see abstract) comprising; receiving an activation signal for viewing a parameter control from a first input mechanism (see column 11, lines 21-57), in response to receiving the activation signal, displaying one or more graphical user interface elements (see column 4, lines 12-25), the user-interface elements forming at least a portion of the parameter control on the image screen (see column 6, lines 27-31), the processor receiving an adjustment signal indicating adjustment from prior values of the viewing parameter to new values of the viewing parameter (see column 4, lines 22-25), and responsive to receiving the adjustment signal, the processor adjusting the values of the viewing parameter for the image screen to the new value (see column 4, lines 26-36).

Samuels fails to specifically teach detecting an activation signal for viewing a parameter control in response to user operation of a mechanical button located on the PDA, detecting interaction between the user and one of the user interface elements includes detecting contact on the image screen at a location corresponding to where one of the user interface elements is being displayed, wherein the location of the contact determining the new value of the viewing parameter, and that the adjustment of the viewing parameter is carried out by adjusting the image screen drive voltages being applied to the pixels to the new values and thereby adjusting the image. However, it is well known in the art to adjust the drive voltages to thereby increase, or decrease, the contrast or brightness of the pixels. Samuels also fails to specifically teach that the user interface elements includes detecting continuous contact on the image screen from a

first location corresponding to the prior value to a second location corresponding to the new value. However, in convention scroll devices, the movable slider is permitted to be moved by the user "clicking" on the slider, holding the mouse button, and moving the mouse in the appropriate direction thereby providing continuous control of the slider. Further Samuels fails to specifically teach that the one or more graphical user interface elements are displayed as a result of a process, running on the portable computer and executing under control of an operating system. However, it is well known by those skilled in conventional art the usage of an operating system for displaying graphical user interfaces. Further it would be obvious for the system to include an operating system for causing the display to display the graphical user-interface elements.

Ike teaches a liquid crystal display apparatus which detects and regulates its display contrast (see abstract). The contrast-detecting unit (4) detects a difference between the inputted voltage or current signals from the pair of photosensors (3a, 3b), and it produces a converted electric signal according to the detected difference to a voltage control unit (5). The voltage control unit (5) operates according to the inputted electrical signal so as to control an output voltage of a stabilized power supply unit (6). The stabilized power supply unit (6) is constructed to supply a drive voltage to be applied to the liquid crystal display panel (2) (see column 2, lines 14-24). The control unit (5) operates to control the drive voltages applied to the liquid crystal display panel (column 2, lines 30-33).

Reber et al. teaches an input device to receive user-initiated commands. The input device includes a touchpad (10), which recognizes a location of a pointing

member on its surface and generates a signal representative of the location (see column 1, lines 34-40). The signals representative of user-initiated commands are communicated from the touch pad (10) to a controller (16), which includes a processor for processing commands in accordance with a predetermined control logic (see column 2, lines 58-68). Associated with the touchpad are images (26, 30), wherein image (30) provides icons for receiving computer-related commands and/or navigation commands (see column 3, lines 28-51). With reference to another embodiment as illustrated in Figure 6, the handheld device includes scroll keys (144), wherein it is also taught that user-initiated commands and/or navigation commands are received by the touch pad (10). It is also taught the usage of touchpad to enter stroke movements for entering telephone commands as illustrated in Figure 7, thereby teaching detecting continuous contact on the image screen. Further it is taught that the input device as described could be represented as a personal digital assistant (see column 13, lines 26-34).

Kawasugi describes a PDA (11) having a display section (12), which is covered with a transparent touch panel (14), wherein a display contrast volume (18) is operated for adjusting the contrast on the liquid crystal display section (12).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow a video display adjustment and on-screen menu system ran by an operating system, as taught by Samuels to control the drive voltages as taught by Ike, in order to adjust the brightness or contrast of the display by means of an on-screen slider arrangement initiated by a button, as taught by Reber et al. wherein the button is a mechanical button on a PDA, as taught by Kawasugi to thereby provide a

video display parameter adjustment system which allows the user easier adjustment of the slider. By allowing such arrangement, the user does not have to manipulate the cursor and position the cursor over the scroll bars in order to change the display parameters thereby providing a more direct control for adjusting the display parameters..

4. ***Claims 6 and* 26** are rejected under 3,5 U.S. C. 103(a) as being unpatentable over Samuels in view of Ike, Reber et al, and Kawasugi as applied to **claims 1 and 16** above, and further in view of Carroll et al. (U.S. Patent No. 6,121,960).

With reference to **claims 6 and 26,** Samuels, Ike, Reber et al., and Kawasugi teach all that is required by **claims 1 and 16** above, however none of the references teach the portable device being in a lower power state until any one of a plurality of input mechanisms is actuated and there after switching the computer to a higher power state.

Carroll et al. teaches a screen peripheral system including a computing device for producing a main image and a touch-activated input device for generating and displaying a composite image visible to a user, in which variable-pixel controls, can be provided to change the thickness, brightness of the keyboard representation (see column 4, lines 10-17), the keyboard representing one group of pixels. It is also taught that contrast adjustment buttons are preferably represented on the touch screen itself to adjust the contrast between the keyboard and the main screen (see column 4, lines 25-30).

Carroll et al. fails to specifically teach that the one group of pixels covers less than approximately twenty-percent of the image screen or more then eighty-percent. However, it is taught by Carroll et al. that twenty-five percent of the pixels are used to represent the keyboard and seventy-five percent of the pixels are used to represent the main image (see column 5, lines 39-44), and it is further stated that the keyboard, or the one group of pixels, can be moved and the percentage areas changed (see column 11, lines 56-57).

Therefore it would have been obvious -to one having ordinary skill in the art at the time of the invention to allow the usage of a low powered state as taught by Carroll et al. in a device similar to that which is taught by Samuels, Ike, Reber et al., and Kawasugi to thereby reduced in the amount of necessary power when the portion of the pixels are inactive.

5. **Claims 32-35** are rejected under 35 U.S.C. 103(a) as being unpatentable over Samuels in view of Ike, Reber et al., Kawasugi, and Carroll et al.

With reference to **claims 32, 34, and, 35,** Samuels, Ike, Reber et al., and Kawasugi teach all of the limitations, which are similar to those recited in **claims 1 and 16.** However, the references fail to specifically teach a portable device being in a lower power state until any one of a plurality of input mechanisms. is actuated, and there after, switching the computer to a higher power state.

Carroll et al. teaches the usage of a keyboard on-off button, which is represented on the touch screen itself, but also possibly on the housing of the touch screen (see

column 4, lines 25-31). Further, Carroll et al. teaches that in a alternate embodiment, voice commands can also be used to activate the touch screen itself so that the portable device does not turn on by one of the buttons being pressed accidentally (see column 11, lines 43-45). Thereby it is suggested that pressing any one of a plurality of input mechanisms on the touch display of the portable device will change the power state from a lower power state (off) to a higher power state (on).

Therefore it would have been obvious -to one having ordinary skill in the art at the time of the invention to allow the usage of a low powered state as taught by Carroll et al. in a device similar to that which is taught by Samuels, Ike, Reber et al., and Kawasugi to thereby reduced in the amount of necessary power when the portion of the pixels are inactive.

With reference to **claim 33,** Reber et al. teaches that the touchpad (10) allows for user-initiated computer commands and/or network navigation commands (see column 8, lines 60-65), wherein it is well known in the art for navigation keys to be moved to a plurality of position for navigating the displayed image..

6. **Claim 36** is rejected under 35 U.S.C. 103(a) as being unpatentable over Samuels in view of Reber and Kawasugi.

With reference to the claim Samuels teaches a method and apparatus for adjusting levels of viewing parameters for an image screen (see abstract) comprising; receiving an activation signal for viewing a parameter control from a first input

mechanism (see column 11, lines 21-57), in response to receiving the activation signal, displaying one or more graphical user interface elements (see column 4, lines 12-25) wherein within the main menu a smaller value indicator graph graphically represents the increments and decrements made by the user to a given display parameter, such as brightness (see column 6, lines 26-31).

Even though Samuels teaches that the method is applicable to a wide range of video display devices including CRTS, LCDs, and electro-luminescent displays, there is no disclosure that the video display device is a PDA, the ability to receive user input on the image screen to manipulate the user interface, or the usage of a user operational mechanical button disposed on the PDA for launching the GUI on the image screen.

Reber et al. teaches an input device to receive user-initiated commands. The input device includes a touchpad (10), which recognizes a location of a pointing member on its surface and generates a signal representative of the location (see column 1, lines 34-40). The signals representative of user-initiated commands are communicated from the touch pad (10) to a controller (16), which includes a processor for processing commands in accordance with a predetermined control logic (see column 2, lines 58-68). Associated with the touchpad are images (26, 30), wherein image (30) provides icons for receiving computer-related commands and/or navigation commands (see column 3, lines 28-51). With reference to another embodiment as illustrated in Figure 6, the handheld device includes scroll keys (144), wherein it is also taught that user-initiated commands and/or navigation commands are received by the touch pad (10). It is also taught the usage of touchpad to enter stroke movements for entering

telephone commands as illustrated in Figure 7, thereby teaching detecting continuous contact on the image screen. Further it is taught that the input device as described could be represented as a personal digital assistant (see column 13, lines 26-34).

Kawasugi describes a PDA (11) having a display section (12), which is covered with a transparent touch panel (14), wherein a display contrast volume (18) is operated for adjusting the contrast on the liquid crystal display section (12).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow the usage of a PDA including a mechanical button for providing commands to the device when the buttons are activated allowing for manipulations to be carried out by graphical user interfaces being displayed as taught by Reber et al. and Kawasugi, as the video display device allowing for adjustments of viewing parameters as taught by Samuels in order to thereby provide the users of PDA's a method and apparatus which allows adjustment of contrast and brightness parameters easier through usage of the graphical user interfaces disposed on a touch panel display.

7. ***Claims 37 and 38*** are rejected under 35 U.S.C. 103(a) as being unpatentable over Samuels in view of Reber et al. in view of Kawasugi as applied to **claim 36** above, and further in view of Carroll et al.

With reference to **claims 37 and 38,** Samuels, Reber et al., and Kawasugi teach all of the limitations as recited in **claim 36.** However, the references fail to specifically teach a portable device being in a lower power state until any one of a plurality of input

mechanisms. is actuated, and there after, switching the computer to a higher power state.

Carroll et al. teaches the usage of a keyboard on-off button, which is represented on the touch screen itself, but also possibly on the housing of the touch screen (see column 4, lines 25-31). Further, Carroll et al. teaches that in a alternate embodiment, voice commands can also be used to activate the touch screen itself so that the portable device does not turn on by one of the buttons being pressed accidentally (see column 11, lines 43-45). Thereby it is suggested that pressing any one of a plurality of input mechanisms on the touch display of the portable device will change the power state from a lower power state (off) to a higher power state (on).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow the usage of a low powered state, as taught by Carroll et al. to that which is taught by Samuels, Reber et al., and Kawasugi to thereby reduced in the amount of necessary power when the portion of the pixels are inactive.

Response to Arguments

8. Applicant's arguments with respect to ***claims 1, 6, 12, 29, 30, and 32-38*** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alecia D. Nelson whose telephone number is (703) 305-

0143. The examiner can normally be reached on Monday-Friday 9:30-6:00. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

adn/ADN
May 28, 2004

DENNIS-DOON CHOW
PRIMARY EXAMINER